

2. THE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE GENERAL FUND TO THE SPECIAL FUND FOR ANY FISCAL YEAR IN WHICH THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT REQUIRED.

(III) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THIS SUBSECTION DOES NOT APPLY TO ANY FISCAL YEAR FOR WHICH THE GOVERNOR IS REQUIRED UNDER § 3-216(G) OF THE TRANSPORTATION ARTICLE TO INCLUDE AN APPROPRIATION TO THE TRANSPORTATION TRUST FUND.

2. THIS SUBSECTION APPLIES IN ANY FISCAL YEAR IN WHICH THE CUMULATIVE AMOUNT REQUIRED TO BE APPROPRIATED UNDER § 3-216(G) OF THE TRANSPORTATION ARTICLE HAS BEEN PAID AND THERE IS EXCESS SURPLUS UNDER SUBSECTION (G)(1) OF THIS SECTION.

### Article - Natural Resources

5-903.

(a) (1) Of the funds distributed to Program Open Space under § 13-209 of the Tax - Property Article, \$1,000,000 may be transferred by an appropriation in the State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of the State Finance and Procurement Article, to the Maryland Heritage Areas Authority Financing Fund established under Title 13, Subtitle 11 of the Financial Institutions Article to be used for the purposes provided in that subtitle.

(2) (i) Of the remaining funds not appropriated under paragraph (1) of this subsection, one half of the funds shall be used for recreation and open space purposes by the Department and the Historic St. Mary's City Commission. Except as otherwise provided in this section, any funds the General Assembly appropriates to the State under this subsection shall be used only for land acquisition projects.

(ii) [A portion] AT LEAST \$1,500,000 of the State's share of funds available under this program shall be utilized to make grants to Baltimore City for projects which meet park purposes. The grants shall be in addition to any funds Baltimore City is eligible to receive under subsection (b) of this section, and may be used for acquisition or development. In order for Baltimore City to be eligible for a State grant, the Department shall review projects or land to be acquired within Baltimore City, and upon the Department's recommendation, the Board of Public Works may approve projects and land including the cost. Title to the land shall be in the name of the Mayor and City Council of Baltimore City. The State is not responsible for costs involved in the development or maintenance of the land.

(iii) 1. A portion of the State's share of funds available under this Program not to exceed the amounts specified below may be transferred by an appropriation in the State budget to the Rural Legacy Program under Title 5, Subtitle 9A of this article:

A. In fiscal year 1998, \$4 million;

B. In fiscal year 1999, \$5 million;